

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

### Color Country District Office

#### Cedar City Field Office

176 East DL Sargent Drive

Cedar City, UT 84721

Telephone (435) 586-2401

[www.blm.gov/ut/st/en/fo/cedar\\_city.html](http://www.blm.gov/ut/st/en/fo/cedar_city.html)



5/021/0018  
cc: Lynn

### In Reply Refer To:

UTC01

3809: UTU-72141

RECEIVED

APR 11 2013

DIV. OF OIL, GAS & MINING April 8, 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED  
#7012 0470 0002 4070 4934

### DECISION

Operator:  
T. Kelly Dalton  
Silica Sand Company, Inc.  
1805 W Harding Ave  
Cedar City, UT 84720

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Notice: UTU-72141  
Project Name: White Sands

### Notice Expired Bond Released & Case Closed

Notice UTU-72141 was filed with this office on, and acknowledged as complete via letter dated September 10, 1993. Following the implementation of the new 43 CFR 3809 regulations, effective January 21, 2001, the notice was timely extended and reclamation bonded by the regulatory deadline of January 21, 2003. In compliance with section 3809.333 of those new regulations (requiring that an operator wishing to extend their notice must notify the BLM in writing on or before the two-year anniversary date of the notice), you timely re-extended the notice on or before the two-year anniversary date of the 2003 date, in 2005, 2007, 2009 and 2011. This office did not receive written notification to extend the UTU-72141 notice on or before the 2013 anniversary date of January 21, 2013; consequently, your notice expired on January 22, 2013.

Since the time of expiration of your notice, in a telephone conversation with Ed Ginouves of my staff, you have indicated that you were aware of the expiration and did not intend to re-authorize the site. You have applied to the State of Utah, Division of Oil, Gas, and Mining for bond release and project closure. ***Both the Division's and BLM's inspection of this site shows that there are no reclamation measures necessary to grant bond release. The Division has granted written concurrence of this finding and supports the full release of the \$3,000 project bond posted with the BLM. Accordingly, the full bond amount will be returned to you and the project file closed, effective immediately.***

If you are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office at P.O. Box 45155-0155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State



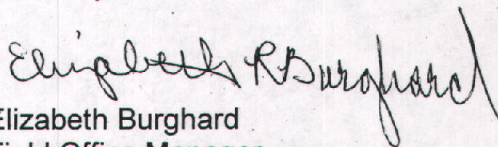
Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at Cedar City Field Office, 176 East DL Sargent Drive, Cedar City, UT 84721 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at Cedar City Field Office, 176 East DL Sargent Drive, Cedar City, UT 84721 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elizabeth Burghard", is written over the typed name.

Elizabeth Burghard  
Field Office Manager

cc: Lynn Kunzler, DOGM (UDOGM file S/021/0018)  
Rita Stelmach, UT-923